

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANDREA L. GONZALES,

Plaintiff,

v.

Civ. No. 23-0199 DHU/KK

LINCOLN NATIONAL LIFE INSURANCE
COMPANY, et al.,

Defendants.

ORDER SETTING BRIEFING SCHEDULE

THIS MATTER came before the Court *sua sponte* upon review of the Joint Status Report and Provisional Discover Plan. (Doc. 15.) The Court, having considered the pleadings of record, the applicable law, and being otherwise fully advised, FINDS that ERISA governs the claims set forth in Plaintiff's Complaint. Further, the Court finds that good cause exists for setting a briefing schedule at this time. *See generally Jewell v. Life Ins. Co. of N. Am.*, 508 F.3d 1303, 1308-09 (10th Cir. 2007) (judicial review of ERISA claims is confined to administrative record unless "exceptional circumstances warrant the admission of additional evidence"); *Hall v. UNUM Life Ins. Co. of Am.*, 300 F.3d 1197, 1202 (10th Cir. 2002) (same).

IT IS THEREFORE ORDERED that:

1. Plaintiff shall amend and join additional parties by written consent or seek the Court's leave to amend and join additional parties in compliance with Fed. R. Civ. P. 15(a)(2) by **Monday, July 31, 2023.**

2. Defendants shall amend and join additional parties by written consent or seek the Court's leave to amend and join additional parties in compliance with Fed. R. Civ. P. 15(a)(2) by **Monday, August 14, 2023.**

3. Defendant shall disclose the Administrative Record in this matter to Plaintiff by **Thursday, June 22, 2023.**

4. Defendant shall file under seal an indexed and numbered copy of the Administrative Record in this matter by **Thursday, July 13, 2023;**

5. Discovery will be permitted only with the Court's leave. Motions for leave to serve discovery relating to the adequacy or completeness of the Administrative Record, the scope and impact of a dual-role conflict of interest, or Plaintiff's claim of right to *de novo* review, if any, shall be filed by **Tuesday, June 30, 2023;**

6. If no motion for discovery is filed by the Tuesday, June 30, 2023, the following briefing schedule will apply:

Plaintiff's opening brief shall be filed by **Monday, July 31, 2023;**

Defendants' response brief shall be filed by **Thursday, August 31, 2023;** and

Plaintiff's reply brief shall be filed by **Friday, September 15, 2023.**

IT IS SO ORDERED.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE